

### REMARKS

Claims 1-14 are pending, with claims 1 and 14 being independent. Claims 1, 3, 5 and 14 have been examined and claims 2, 4, and 6-13 have been withdrawn from consideration due to a previous restriction requirement.

#### Provisional Double Patenting Rejections

Claims 3 and 5 are provisionally rejected under 35 U.S.C. 101 for statutory-type double patenting in light of claims 3-7 and 9-14 of Application No. 10/729,233 now U.S. Patent No. 7,069,968.

Claims 1 and 14 stand provisionally rejected for obviousness-type double patenting as being unpatentable over claim 3 of copending Application No. 10/729,233, now U.S. Patent No. 7,069,968.

Upon the claims of this application otherwise being allowable, Applicant will address the double patenting rejections.

#### 35 U.S.C. § 102(b) Rejection

Claims 1, 5 and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Eichberger et al. Applicant respectfully traverses this rejection.

Claim 1 recites a planer that includes, among other features, a conduit defined within a body for directing airflow, where the conduit is connected to a recess for entraining and removing debris created by the cutting action of a planer blade, and the recess is the location where the cutting drum is rotatably mounted. The conduit directs the airflow over the exterior of a deflector, then downward to the vicinity of the recess where debris is entrained by the airflow, and then to the deflector before it is guided by the deflector to outside of the body. Applicant respectfully requests reconsideration and withdrawal of the rejection because Eichberger fails to describe or suggest a conduit that is connected to a recess for entraining and removing debris and fails to describe or suggest that the conduit directs the airflow over the exterior of the deflector,

then downward to the vicinity of the recess where debris is entrained by the airflow, and then to the deflector before it is guided by the deflector to outside of the body.

Instead, in Eichberger, the air channel 30 is not connected to the drum compartment 18 where the cutting drum 15 is rotatably mounted. The air channel 30 and the drum compartment 18 are separated by lower boundary wall 32. The air channel 30 ends in a connection opening 29. On the other hand, the drum compartment ends at inlet opening 28. Connection opening 29 and inlet opening 28 are separated by lower boundary wall 32. Note that lower boundary wall 32 also serves as the upper boundary wall of the drum compartment 18. Thus, the air flow from air channel 30 never goes near the inlet opening 28 by the drum compartment and never entrains debris in the vicinity of the inlet opening. See Eichberger Fig. 3 and col. 3, lines 64 to col. 4, line 21. The airflow conveyed by the fan wheel 11 passes through the air channel 30 and through the air passage openings 53 of chips ejection insert 50. The area above the air passage openings 53 are connected to the connection opening 29. See Eichberger, col. 5, lines 15-37.

In contrast, claim 1 recites a conduit that is connected to the recess where the cutting drum is rotatably mounted. Eichberger simply does not show the airflow being directed downward to the vicinity of the recess where debris is entrained by the airflow.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the section 102 rejection of independent claim 1 and dependent claim 5.

Independent claim 14 recites a planer that includes, among other features, a conduit defined within a body for directing an airflow, an expulsion aperture defined by the wall in the body, and a deflector connectable to the conduit for guiding the air flow and entrained debris from within the body to outside of the body, where the conduit is connected to a recess by the expulsion aperture and the conduit directs the airflow to be blown across the expulsion aperture. Applicant submits that claim 14 is in condition for allowance because Eicherberger does not describe or suggest that a conduit that is connected to the recess by the expulsion aperture and the conduit directs the airflow to be blown across the expulsion aperture.

For at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the section 102 rejection of independent claim 14.

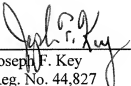
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Enclosed is an authorization to charge deposit account 02-2548 for the Petition for Extension of Time and RCE fee. Please apply any other charges or credits to deposit account 02-2548.

Respectfully submitted,

Date: 10/4/2006

  
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